

E436  
36

# INCREASE OF THE ARMY.

## SPEECH

OF

### HON. JOHN A. BINGHAM, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES, MARCH 17, 1858.

The House having under consideration the bill to provide for the organization of a regiment of mounted volunteers for the defense of the frontier of Texas, and to authorize the President to call into the service of the United States four additional regiments of volunteers—

Mr. BINGHAM said:

Mr. SPEAKER: I have no desire to protract this debate unnecessarily; but, as at present advised, I shall cast my vote against the bill offered by the majority of the Committee on Military Affairs, as also against the substitute proposed by the honorable gentleman from Virginia, [Mr. FAULKNER.] And I desire, inasmuch as my vote shall be so recorded, to state, as briefly as I may, some of the reasons that will control that vote.

It strikes me, Mr. Speaker, that the Secretary of War has said enough to determine me, at least, in my opposition to the bill reported by the majority of the committee. The President of the United States is, under the Constitution, charged to take care that the laws be faithfully executed. It is his business to advise this House, by his message, and through the proper Departments, not only of the measures which are needful to the execution of the laws; but also of the measures the cheapest and most efficient to that end. The American people have a right to demand not only an efficient administration, but an economical execution of the laws. I take it that no gentleman on this side of the Chamber, or on that side of the Chamber, will be swift in objecting to that proposition.

Well, sir, the President of the United States, in the proper discharge of his duties through the channel of the War Department, has advised us officially, and has officially advised the country, against the very bill which the majority of the Military Committee are now pressing upon the consideration of the House. The bill reported by the majority of the committee, as the House has been advised, is a bill temporarily to increase the Army of the United States, by a *volunteer force* of some four thousand men. That project is condemned by the Administration, notwithstanding the ingenious attempt of the gentleman from

Iowa, [Mr. CURTIS,] the other day, to throw the weight of the Administration in favor of this bill. I undertake to say that the bill is condemned, emphatically condemned, by the Administration.

Mr. CURTIS. I wish to correct the gentleman. I am not at all certain that the Administration is in favor of this bill, and I did not intend to assert that it was. What I said was that the Administration asked us to authorize the raising of four or five additional regiments, and did not say of what character of troops. But I did not say the Administration favored the volunteers. On the contrary, I am afraid they are not right on this question.

Mr. BINGHAM. I have no disposition to misstate the argument of my friend from Iowa; but, sir, I attended very carefully to what he said at the time when he addressed the House, and I am certain that I am not mistaken in saying that he sought to press the Administration into his service in the advocacy of this bill; because his reported speech, corrected by himself, states that the President is *entirely silent* as to the description of troops that he wants! The gentleman from Iowa argues, from this alleged *silence* of the President, that the Administration is not opposed to the bill reported by the majority of the Committee on Military Affairs. The gentleman from Iowa was right, so far as the President's message was concerned, in saying the President was silent as to the character of the troops. But the President has further advised us on the subject through the Secretary of War; and by looking to the official report of that officer you will find that he expressly condemns the project which is recommended in the bill of the majority now before the House. The Secretary says:

"It will not be denied that an army properly organized and of sufficient strength, constitutes at once the *cheapest* and *most efficient* means by which the indispensable services it is designed to perform can be secured by the Government."

That is the general proposition; and it would seem, from what follows, that the Secretary of War designed that the attention of Congress

1858

should be specially called to it, in anticipation that this bill, or some kindred measure, would be presented to Congress. The Secretary further says:

"It has been from a paper *carefully prepared* in the office of the Adjutant General, that no increase of forces is offered, except on such occasions as the augmentation of the regular Army."

Now, sir, if the Secretary of War be right in this, it is very apparent that the majority of the committee was wrong, altogether wrong, in recommending this bill to the House at all.

Efficiency and economy in any increase of the Army, whether that increase be permanent or temporary, ought not to be lost sight of. The opinion of the Secretary of War condemns the proposed measure of the majority because it lacks efficiency and economy.

Mr. CURTIS. The gentleman has the opinion of the Secretary of War as to his belief against that of the committee. That is true. But I would not give the opinion of the committee for that of three such Secretaries of War upon the subject of efficiency and economy, because he has not had as much experience as three or four of the members of the committee. I say this with due respect to the Secretary of War.

Mr. BINGHAM. The gentleman from Iowa is mistaken if he supposes that I undertake to hold the scales of justice here in any judgment to be passed upon the comparative ability—the comparative military ability, if you please—of the Secretary of War and the honorable gentlemen who compose the Military Committee of this House. I am perfectly willing that that grave question shall be settled elsewhere and by a different tribunal. I am willing to leave that important question for settlement to the calm, dispassionate judgment of the future historian. At all events, sir, I respectfully decline the office of arbiter or judge in the relative merits of the military achievements and experience of the honorable three to whom the gentleman refers, and the military achievements and experience of the Secretary of War.

Mr. CLEMENS. I desire to ask the gentleman from Iowa a question. I believe the gentleman was in command of a volunteer force in the Mexican war?

Mr. CURTIS assented.

Mr. CLEMENS. Will he be kind enough to tell me of any civilian in this country who has happened to have command of a volunteer force in any war, who did not, through his self-pride, prefer the force he commanded, and contend that it was superior to a regular force? We have volunteer gentlemen on the Military Committee, and they, for aught, are better judges of what the military defense of the country requires than the officers of the regular Army.

Mr. CURTIS. I will say that I do not think so. I do not think the volunteers claim to be better soldiers, but they always claim to be equal to the regular force.

Mr. QUITMAN. The modesty of the gentleman from Iowa has prevented him from stating that he was educated at West Point as an officer of the regular Army; and I believe that before the

close of the war he commanded a regiment of regulars.

Mr. CURTIS. No, sir.

Mr. QUITMAN. At any rate, he was regularly educated to the military profession.

Mr. SAVAGE. I think it quite unfortunate that this comparison should be made. It devolves upon me now, however, to answer also as to my position. In the late war with Mexico I belonged to the regular branch of the service. I had the honor first of being a major in the fourteenth division, and of being at Molino del Rey a lieutenant colonel in the eleventh division. Prior to that time, many years ago, I had been a very high private; and that is the sum of my experience.

Mr. CLEMENS. I understand this to be a question between the military department of this Government and certain gentlemen of the Committee on Military Affairs. I desire to know from the gentleman from Mississippi, how many other members of the Military Committee who have reported against the plan recommended by the Department for the increase of the Army, happened to be educated at West Point? I would like to know whether the whole of them, with the exception perhaps of the gentlemen from Iowa, were not in command of volunteers in the last war, and whether whatever military reputation they have has not been derived from that war, and that war alone?

Mr. QUITMAN. If I am permitted, I will answer the gentleman. I will say that I believe that two members of the committee were educated at West Point for the profession of a soldier, and that four have commanded regulars. As the gentleman appears to be unacquainted with my poor military history—

Mr. CLEMENS. I beg the gentleman's pardon. I am familiar with it, and the country is familiar with the great deeds it sets forth.

Mr. QUITMAN. I, of course, as a major general, belonged to the regular service of the United States. I trust that I have never shown any hostility to that service. I do not regard this as a controversy between gentlemen, but as a controversy as to the great powers of this Government. I felt it to be my duty, as a member of Congress, to advocate what I believe the country wants—a temporary increase of its military force. The high duty is devolved upon Congress of raising, organizing, and equipping armies. For doing this, the responsibility rests with us; and we are not to be judged by the opinion of the Secretary of War, or the President, or anybody else, in the discharge of that duty.

Mr. BINGHAM. I agree with the gentleman from Mississippi. Every member, in his official action on this question, as upon all other questions, should be governed by what, in his judgment, is needful and right and just in the premises, irrespective of any opinion of the Secretary of War or any executive officer. But, sir, when I made the remark which I did, it unexpectedly called from my friend from Iowa [Mr. CURTIS] a comparison of the military qualifications of the Secretary of War and the honorable gentlemen of the Committee on Military Affairs of this House. It was furthest from my purpose to make any

suggestion to the gentlemen that they ought to be *controlled* in the discharge of their official duty here by the mere *dictum* of the Secretary of War. I wished to have this conflict of opinion understood. I thought I spoke plainly enough. By the Constitution of the United States, the executive department of this Government is especially charged with the execution of the laws of the United States. In time of peace, the Army of the United States is kept organized chiefly, if not exclusively, to enable the President to discharge that duty. If, therefore, any *increase* of the Army of the United States, either temporarily or permanently, be *needful* in this time of profound peace, (for it is a time of profound peace between the United States Government and all foreign nations,) it is for the President, above all others, to know it, and to bring that fact before Congress; and also to suggest and recommend such necessary increase, as well as the kind of force required. I say that the *increase* of the Army is an Administration measure. If an increase had not been recommended by the President, does anybody suppose that this House would, upon its own motion, have proceeded to increase the Army of the United States? I think not. The remarks which I have submitted upon the *kind* of forces recommended would not have been indulged in by me at all, if one of the members of the committee had not attempted, as I understood him, to press the weight of the Administration into the support of this bill. In answer to that attempt I thought it perfectly legitimate to present to the House the fact that this bill stands condemned by the war officer of the Government.

I do not know whether this ought to have weight with other gentlemen. In my view of the subject, I allow it to have weight with me. I shall vote for no increase of the Army, as at present advised. I will hold the Administration responsible for any increase that may be made. Unless the Administration needs an increase of the Army, it ought not to have it; and unless it asks it, it ought not to get it. The Administration has taken particular pains to condemn this bill. It has said in express terms, through its war officers, that the increase of the *regular Army* is the most *efficient* and least expensive to the country. I state this that it may have its due weight with the House and the country.

Mr. QUITMAN. Will the gentleman allow me to ask him a question? It seems to me that we differ as to our duty as members of Congress. We have before us the application of the Legislature of the State of Texas, and that is reported on in a part of this bill. We have, also, advices from General Twiggs that the Indians are committing depredations on the frontier. This was brought directly before us from the Legislature of Texas. I ask the gentleman whether he would refuse to act upon it, although he might believe some additional force was required for the defense of Texas, or wait to act upon it until he received a recommendation from the Administration?

Mr. BINGHAM. I am greatly obliged to the gentleman for his suggestion. He will observe that in my remarks, I used the words "as at present advised." The case of Texas had entirely

escaped my mind at the moment. The truth is, that in the remarks I have been making, I was directing my attention especially to that section of the bill which provides four additional regiments of volunteers temporarily to be employed, not in Texas, but in Utah and the northwestern frontier. I had not in my mind the application of the State of Texas. I am ready to respond to the suggestion of the gentleman from Mississippi. On the petition of the State of Texas, setting forth that additional force was necessary for the protection of life and property in that State, and being satisfied that such force was necessary, I trust I would be as ready as the gentleman from Mississippi to vote that additional force. I shall come to that part of my argument presently, which covers the application of Texas, and that section of the bill which provides for volunteers for Texas.

Allow me to remark, in passing, that the language of the Secretary of War, which I have quoted in condemnation of the provisions of this bill for raising four additional regiments, applies with equal force to the first section, which provides for raising one regiment of volunteers for Texas. My chief objection to this bill does not originate in the report of the Secretary of War by any means, and applies alike to the bill reported by the majority and the substitute proposed by the honorable gentleman from Virginia, [Mr. FAULKNER.] That objection is, that I am not advised of any condition of things in Texas, in Utah, or anywhere else within the limits of the United States, which renders it *necessary* that there should be any increase of the Army, either temporarily or permanently, either by means of volunteer regiments or by means of regulars. Until that necessity is made apparent, I shall vote for no increase of the Army.

It is well understood and conceded on all sides of the House, that the Army of the United States numbers some fifteen thousand efficient men, and liable to be increased, I believe, by addition of recruits, to eighteen thousand, under the existing laws. How is this force employed at present? In the eastern department, I believe, there are only about eight hundred of them; in Florida there is only a small number—not to exceed a thousand. Where is the residue—where the remaining thirteen thousand efficient men? In the departments of the Northwest and of the Pacific. What condition of things exists in that section of the country, which requires there the immediate presence just now of this force of thirteen thousand men? Can anybody answer? Three thousand of those efficient soldiers of the Army of the United States are within the limits of the Territory of Kansas, or in its immediate vicinity. Does anybody know that there is any necessity at all for the continuance of that force in that Territory? Two thousand troops have been thrown forward toward the Territory of Utah, in the direction of Salt Lake City, under command of Colonel Johnston, for the purpose of enforcing the law in that Territory; and the four additional regiments provided for in this bill were recommended by the President, solely upon the ground that there is threatened insurrection in Utah, and this force is necessary to suppress it. For that purpose alone

does the President ask for this increase. The majority of the committee, of course, speak for themselves, and they say that this additional force is wanted for some other purposes. They want it not only for Utah, but to defend the emigrant trail, and the northwestern frontier. I deal with this matter, however, not as a measure which particularly belongs to the majority of the Military Committee of this House, but as an Administration measure. When it is proposed to increase the Army on the recommendation of the Executive, I want to know the necessity for it; and to the President it belongs to show to the House and the country that necessity. That showing is the more needful when the committee report no facts in support of their bill. How does the President show this necessity? What does he say about it? In his annual message, he uses this language when speaking of the insurrection in Utah:

"Governor Young has, by proclamation, declared his determination to maintain his power by force, and has already committed acts of hostility against the United States. Unless he should retrace his steps, the Territory of Utah will be in a state of open rebellion."

What those acts of hostility are, the President has not been careful to tell us. The President further says:

"A great part of all this may be idle boasting; but yet no wise Government will lightly estimate the efforts which may be inspired by such frenzied fanaticism as exists among the Mormons in Utah. This is the first rebellion which has existed in our Territories; and humanity itself requires that we should put it down in such a manner that it shall be the last. To rule with it would be to encourage it and to render it formidable."

There is no rebellion in Utah, according to that passage of the message first cited. The President, however, says, in the last passage cited, "this is the first rebellion which has existed in our Territories." I do not intend to impeach the veracity of the President at large; but, sir, when he is the sole witness upon the stand to satisfy the House of the necessity of this increase of the Army, I will apply to him strictly the rule of the law of evidence, that when he is false in one material matter in issue, he is to be treated as false in all; and I shall so hold, whether his falsity arises from corrupt motives, or from a simple want of the necessary information to enable him to tell the truth. The President says further, in relation to this increase of the Army to suppress the alleged insurrection in Utah:

"We ought to go there with such an imposing force as to convince the obstinate people that resistance would be vain, and to spare the effusion of blood. We can in this manner convince them that we are their friends, not their enemies. In order to accomplish this object it will be necessary, according to the estimate of the War Department, to send an additional regiment; and this I earnestly recommend to Congress."

For what object? To subdue these Mormons that *threaten* a rebellion. I have already read from the message the words of the President that, "unless he [Young] should retrace his steps, the Territory of Utah will be in a state of open rebellion." These words clearly import that some insurrection must yet be done before rebellion shall be proclaimed; that Young must *perjure* his course, not advance, or there will be no rebellion in Utah. "Unless he *retrace* his steps the Territory of Utah will be in a state of open rebellion."

Now, he says, in order to "put down this rebellion," in order to enforce the law, it will be necessary, according to the estimate of the War Department, to raise four additional regiments; and this he earnestly recommends to Congress. It would have been very satisfactory to me, Mr. Speaker, as I doubt not it would have been to every gentleman on this floor, now that we are required to vote on this bill, if the President had advised us whether or not the people of Utah, as a people, have done any act that would justify us in committing against them, as the President proposes to do, an act of war?

Disguise it as you may, the proposition underlying this whole project—this recommendation of the President, this bill of the majority—is a proposition to wage war upon the people within the valley of Salt Lake. Now, I am just as ready as any other gentleman on this floor, when the proper occasion arises, to vote the *necessary* supplies of men and money to suppress rebellion in Utah, or anywhere else within the limits of the United States; but I must demand, on my oath and my conscience, before I vote any such supplies, the evidence of their necessity. And I but echo the voice of the civilized world, when I say that no nation should wage war, either foreign or domestic, but upon absolute, stern, inevitable *necessity*. It is the teaching of one of the greatest of all jurists, "that war is one of the highest trials of right." Sir, a right must be involved before this highest trial can be justly invoked. What right is involved here? The right, I suppose, of killing indiscriminately the men, women, and children, of Salt Lake City. I have no other information than that which appears in the message. It strikes me that the chief ground of all this quarrel, the chief ground of this attempt to be made with your Army and four additional regiments to subdue the people of Utah, is their having established in their midst the institution of polygamy—an institution abhorrent to the whole civilized world, a shame and burning disgrace to the people of the United States. I am willing—and, I trust, as desirous as any one can be—that this institution of polygamy in our midst shall be abolished. Every good citizen of the United States must feel a sense of shame that such an institution has been permitted—may, fostered—under the protection and sanction, if you please, of the Government of the United States.

But, I would ask, was not this Brigham Young appointed Governor of that Territory and superintendent of Indian affairs by the late Democratic President, (Pierce,) when Young was the chief and head, as he still is, of the institution of polygamy? Young is no more a polygamist today than he was the day he received his commission. The only real ground of complaint that appears against him, so far as I know, is that he refuses, for the time being, to surrender the power thus voluntarily conferred upon him by the Government. The reason of this refusal, as made known here by their petition, is that your Army now invading their Territory threatens their destruction. I do not know that, even if they have violated, as I admit they have, the laws of morality and decency in establishing such an insti-

tution, that puts them entirely outside of the pale of humanity, or subjects their women or children, who have had, perhaps, as little hand in the matter as the President of the United States himself, to massacre.

I do not see any necessity for it. There is an easy way for suppressing polygamy in the Territory of Utah. That is for the Government of the United States, through Congress, to resume and exercise its rightful authority over that Territory. I need not be told here that it would be unconstitutional to legislate against polygamy in Utah. Why would it be unconstitutional? Because the Constitution is entirely silent on that subject? You may make all needful rules and regulations for the government of that Territory. You propose now to make one alleged needful rule and regulation for its government, and that is, to organize four additional regiments for the purpose of holding it under military rule. The Constitution of the United States is, I admit, silent as to the crime of polygamy; but it is equally silent as to the crime of murder, or the crime of robbery, and yet you have spread upon your statute-books laws prohibiting the crime of murder anywhere within the Territories of the United States, or within the exclusive jurisdiction of the United States, and punishing it with death; and you have also United States laws prohibiting the crime of robbery within the Territories or exclusive jurisdiction of the United States, and punishing it by fine and imprisonment. It is equally constitutional to enact that polygamy, committed anywhere within the Territories or exclusive jurisdiction of the United States, shall be held a crime, and that, on due conviction thereof, the party committing it shall be punished with appropriate penalties. I believe there is not a State within the Union in which polygamy is not made a crime by statute, and punished as such.

Why should not this offense be at once prohibited by law within the Territory of Utah before we make it the pretext for exterminating that people by the sword? I think it does not become the American Congress to imitate the pernicious example of Caligula in punishing as offenses against the law, acts done before the law was passed, or before the subject had the opportunity of knowing what the law was.

I will say further touching this controversy with Utah, that the people of that Territory were literally told by the law of 1854—told by the Democratic press from Maine to California—told by the official communications of the Democratic Chief Magistrate of the United States, that they, in common with the people of every United States Territory, were perfectly free to establish their domestic institutions in their own way, and whatever domestic institutions they chose, even that of polygamy. They were further told, sir, that they would be protected in their domestic institutions whatever they might be, by the Army and Navy, if need be, of the United States. That was the real position assumed heretofore in regard to this question. In this loathsome institution of polygamy you may see one of the legitimate results of that demagogue cry of "squatter sovereignty" or the right of the first fifty or five hun-

dred adventurers in any Territory of the United States to set up any domestic institutions not expressly in conflict with the Constitution of the United States. Young has literally acted upon your suggestions, and now you propose to destroy him and all his people for doing precisely what you said he might do.

I would, then, in this emergency, as the case now stands, say this: that so far as that great offense has anything to do in this matter, let us reach it by statute; at least let us start in the right direction, by prohibiting it in the future. Let us do that, and then let us go a step further. Let us first try in the language of the law of nations—that law which ought to govern our municipal regulations, and apply to the domestic wars as well as to national wars—let us try all peaceful means. To suppress polygamy we are asked to resort to the sword. Have their people otherwise offended? We have before us the memorial of the Legislative Assembly of that Territory, in which they say they are ready to receive any civil officers that may be appointed by the Government of the United States, recognizing the authority of the Government of the United States, and praying that the Government of the United States will not subject them to the ravage and destruction attendant upon an invading army. Why not try the experiment of first sending out civil officers to Utah before you send your Army? Send your Governor and send your chief justice, without any military parade, into the Territory, and see if the people there will not peaceably receive them and recognize their authority. If they do, then these four additional regiments are unnecessary.

But suppose they are unwilling to listen to the voice of reason, or, as the gentleman from South Carolina [Mr. Borce] the other day well said, they have become blind to their own interest, and willing to provoke an extermination by the sword; suppose that to be the actual condition of things, of which I protest I am not advised, nor is any gentleman in this House so advised: still I aver there is already a sufficient force of the Army of the United States in Kansas, which is not needed there, to supply the required four regiments; and which, in conjunction with the force now under Colonel Johnston in Utah, would be sufficient to exterminate all the Mormons in the Utah valley.

Mr. Speaker, if I were alone in this opinion, although it would suffice for myself, I would not impose it upon any man with a view to affect his vote upon this bill. But, sir, the sufficiency of this Kansas force is not my opinion alone. The late Secretary of War, now a distinguished Senator from Mississippi, [Mr. Davis,] a man as distinguished in the field as in the Cabinet, has recently spoken to the country upon this question. I think that gentleman fully competent to judge upon this point. He has recently made this distinct announcement: "that the force under the command of Colonel Johnston was, in his judgment, sufficient to put down all resistance in that Territory if they could reach Salt Lake City." He says further: "if Colonel Johnston has the transportation which will enable him to move, he will subdue resistance with the force he has."

Colonel Johnston's force is now two thousand men. An additional force of two thousand or twenty-five hundred men would enable him to move. That is the opinion of the late Secretary of War. The President only asks for four additional regiments, or about three thousand men. There is that force of three thousand men, or more, in Kansas and its vicinity. The President may supply the four regiments from that force now wrongfully kept in Kansas. This is clear. Where, then, I beg leave to ask, is the necessity for these additional four regiments of seven hundred and forty men each? There is no necessity for it, unless you deem it necessary to keep the four regiments of the regular Army in Kansas perpetually, to enslave, in the future as in the past, her free citizens.

The argument of the gentleman from Iowa [Mr. CURTIS] proceeded upon the hypothesis that the President of the United States is already armed with sufficient authority, under existing statutes of the United States, to employ the Army of the United States in the suppression of insurrection or resistance to the laws in Utah. The argument of the gentleman from Mississippi [Mr. QUITMAN] proceeded upon the same hypothesis. I think those gentlemen were right in their assumption, and that my colleague [Mr. STANTON] was wrong in suggesting that the law which gave the President that power was unconstitutional or inoperative. I believe the statute of 1807 is valid and in full force, authorized by the Constitution of the United States, and in accordance with the plain letter of that instrument. The Constitution authorizes Congress to raise an army, and to provide all necessary rules and regulations for its government, and to provide for the common defense. That is a plain and express grant of power to Congress. Where words are plain, there is an end to all construction. The act of 1807, which authorizes the President to employ the Army to suppress obstruction or resistance to the laws of a Territory, is valid. He may, therefore, draw from Kansas three thousand men, if needed to reinforce Colonel Johnston, and enable him to move and subdue all resistance in Utah. These three thousand men are now subject to that service, and unless where they are; I might say they are offensive where they are, but by reason of no fault of theirs.

Let Governor Cumming, then, take care, at the proper time, to make requisition on the President to the troops, and that is all that is wanting to give the President full authority to act during the vacation. This bill, of course, is not intended to go into operation until after the close of the session. Therefore, therefore, nothing in the present condition of things in Utah, nor in the present regular force of the Army, to create a necessity for the proposed increase of either volunteers or regulars. At all events, Mr. Speaker, with the distinguished ex-Secretary of War, [Mr. DAVIS,] I say to the deluded people of Utah, "I want not their blood shed by the Government of the United States." So, I do not intend that the blood of that people, or any other people, shall be upon my hands, or upon the Army of my country, by my act or vote of mine, until the necessity for it

is not only apparent, but absolutely unavoidable. Let the Government of the United States act affirmatively. The Government should not occupy a mere negative position in this matter. Let us first try peaceable means for the settlement of this difficulty. Let us try negotiation. Let us try the organization of a civil government. Let us try to bring that people back to their allegiance, not by force of arms, but by civil, peaceful, quiet, and just means. When every peaceful measure has been faithfully tried, and has failed, then, and not till then, let us try the dread arbitrament of the sword.

Mr. CURTIS. I understand the proclamation of Brigham Young and the resolutions of the Legislature of Utah to say distinctly that no officer shall be permitted to exercise power in that Territory, unless an officer of their own choosing.

Mr. BINGHAM. I must say to the gentleman from Iowa that I understand the very converse of that. I have not had the opportunity to read the petition of the Legislature of Utah, sent here and presented yesterday. I do not know that the gentleman has. I heard that petition read from the Clerk's desk. I understand that it asks that the Government of the United States shall appoint good and true men over them—not men who will abuse and libel and slander them. Be that as it may, so far as the proclamation of Brigham Young is concerned, I do not know how the gentleman knows anything officially concerning it beyond what the President knows and states; that is, that Young says he shall maintain his power in Utah by force. It is not that he will maintain his power wrongfully against the United States by force, but merely that he will maintain his power by force; of course, against any power wrongfully brought against him or his people!

Mr. SAVAGE. Here are the concluding words of the proclamation of Brigham Young, to which I would direct the gentleman's attention:

"Therefore, I, Brigham Young, Governor and Superintendent of Indian Affairs for the Territory of Utah, in the name of the people of the United States in the Territory of Utah, forbid,

"First. All armed forces of every description from coming into this Territory under any pretense whatever.

"Second. That all the forces in said Territory hold themselves in readiness to march at a moment's notice to repel any and all such invasion.

"Third. Martial law is hereby declared to exist in this Territory from and after the publication of this proclamation; and no person shall be allowed to pass or re-pass into, or through, or from, this Territory without a permit from the proper officer."

Mr. BINGHAM. I do not intend to waste much time on that document. I do not intend to enter into a special defense of anything it contains. Suppose we treat it here as an authentic document emanating from this man who signs himself Brigham Young, Governor and Superintendent of Indian Affairs? What does it amount to? That he will resist any armed invasion. He is out in the wilderness, three thousand miles from the capital of the country. He is advised that an armed invasion is being made into his Territory. He has no evidence that the United States Government sanctions that invasion, or even knows anything of it. If Young is guilty of treason, first indict him for it, and try to arrest him and bring

him to trial and judgment by the ordinary process of the law. Until you at least *try* to do this, you have no right to make his treason the pretext for the indiscriminate murder of his people. I put it to the gallant gentleman from Tennessee [Mr. SAVAGE] whether upon a showing of this sort he is willing to send an army of invasion into that Territory not only for the purpose of destroying Brigham Young, but of putting women and children to the sword? That is the point which is involved here. It is not whether Young has acted wrong in issuing a document of that sort; but is there any evidence of the *necessity* of an increase of the Army, and the proposed invasion of that Territory? I have searched for that evidence, but I have searched in vain. I have challenged the production of that evidence from the other side, but I have challenged its production in vain; and until the evidence of that necessity clearly appears I shall not record my vote for this measure of blood and murder, so help me God!

One word more and I have done with this matter. If it were perfectly apparent that the proposed increase of the Army of the United States was necessary, as provided in this bill, while the bill authorized the President of the United States to control that force, I could not and would not vote it. I say that it is a humiliating confession to make, but I make it because it is my felt conviction that the President of the United States has already proved himself wholly unfit for the trust; and to-day let me say that, in my judgment, the House would be more in the line of its duty to prefer articles of impeachment against the President of the United States for high crimes and misdemeanors than to vote for four or five additional regiments to be put under *his* control and authority. That *necessity*, as I have shown, does not exist; but *if* it did I could not and would not vote for this bill because it allows the President to control the new force, and I believe him unworthy of that trust.

I am not alone in this opinion, that the President should not be intrusted with this additional force, or with any additional force. This measure has been before another body in the other end of the Capitol—a majority of whom profess to be of the party of the President—and yet, strange to say, that body has rejected both these propositions of an increase of the Army, either by volunteers or by regulars. If his professed political friends refuse to intrust this additional power to the President, I think those of us who never professed, much less felt, over-confidence in the President, may be pardoned if we hesitate and doubt his fitness or fidelity. Mr. Speaker, I would not wantonly speak harshly of the President, but a sense of duty constrains me to say that, in my

judgment, the President has proved himself unfit for the trust proposed to be confided to him by this bill. He has grossly abused and betrayed the power conferred upon him by the existing statute which authorizes the employment of the Army for the suppression of obstructions to the laws of the United States, or of any State or Territory. Under color of that statute, sir, he has sent three thousand of your Army into Kansas and its immediate vicinity to *coerce* its freemen into obedience to enactments which they never framed or authorized, which Congress never sanctioned, and which have no sanction but that of the usurpers and marauders who invaded and defiled that Territory.

As a pretext for this act of oppression, for this gross breach of trust, the President, in his special message of the 2d of last month, says, that ever since the period of his inauguration "a large portion of the people of Kansas have been in rebellion against the Government;" and that they "would have long since subverted the government established by Congress, had it not been protected from their assaults by the troops of the United States—that they have constantly renounced and defied the Government to which they owe allegiance, and have at all times been endeavoring to subvert it, and to establish a revolutionary government under the so-called Topeka constitution." I aver, sir, that this charge of the President against the people of Kansas, that they have been in *rebellion* against the territorial government *established by Congress*, ever since the 4th of March, 1857, or at any time, is a calumny—that it is put forth by the President as a pretext for the military despotism which he has wrongfully established over them, in violation of his duty, of their rights, and of the laws of the country. Against the President's assertion that there is or has been *rebellion* in Kansas, I interpose, and hold up to the House and the country his solemn declaration in his annual message, of the 8th of last December, in which he says that the rebellion in Utah is "the first *rebellion* which has existed in our Territories."

Both of these assertions of the President cannot be true. If there has been rebellion in Kansas ever since the President's inauguration—if that people have been "*all the time*" since then in resistance to the laws and authority of the Government of the United States, it cannot be that the rebellion in Utah is the *first rebellion* which has existed in our Territories. If this statement concerning the rebellion in Utah be true, the charge of rebellion in Kansas is false; and is, therefore, what I aver it to be, a calumny upon that injured people, and a shameless pretext for the President's invasion of their rights and betrayal of his duty.

LIBRARY OF CONGRESS



0 011 898 307 5